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**From:** Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]  
**Sent:** 12/19/2014 7:16:07 PM  
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**CC:** Anderson, Lea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8317edf62f74e67bcf42adbdf7785e9-LANDER03]; Lyons, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ea390c390e41fd84511d6cdc266cee-ALYONS]; Smith, Rodney [rodney.smith@sol.doi.gov]  
**Subject:** briefing schedule in NGS

Intervenors' counsel: Along with the Hopi Tribe, I intend to move the court to amend the briefing schedule in the court's 12/12 order. Rather than opening briefs due on 1/26 (as the order provides) or 2/20 (as the recent EPA/NPCA motion seeks), I intend to ask that opening briefs be due 3/16, EPA's response 5/15, Intervenors' briefs 5/29, and replies 6/11. That preserves the same timeframe as in the EPA/NPCA motion, but moves everything back about 3 weeks. This is to accommodate the Hopi Tribe's ceremonial calendar, because their tribal council does not meet in February (and my representation in the EPA/NPCA motion that the Hopi agree to opening briefs being due on 2/20 has proven to be incorrect). I expect the TNA petitioners will oppose, and the NPCA group may as well. I would like to know Intervenors' position.

In addition to the schedule, I would like to address the briefing format. I believe that, rather than three briefs (assuming Mr. Yazzie does not intend to file one), the petitioners should file two briefs, with the TNA and NPCA petitioners (and Mr. Yazzie, if he wants to file) joining in one brief of up to 14,000 words, and the Hopi Tribe filing a separate brief of up to 14,000 words. EPA would get 28,000 words in response. Replies would be 7,000 words each. For the sake of completeness I would like to include a word/brief limit for Intervenors. Do you have a position on that, and do you object to the word/brief limits I propose for Petitioners and for EPA?

- Dan